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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,815	06/08/2001	Eric Harold Henrikson	42430-10447	1190

7590 05/20/2004  
Patent Docket Clerk  
Jenner & Block, LLC  
One IBM Plaza  
Chicago, IL 60611

EXAMINER

DAO, MINH D

ART UNIT PAPER NUMBER

2682

DATE MAILED: 05/20/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/877,815

Applicant(s)

HENRIKSON ET AL.

Examiner

MINH D DAO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by McConnell et al. (US Patent 6,373,930).

Regarding claim 1, McConnell teaches a multimedia communications system (See Fig. 4) that provides for adding value to prepaid accounts comprising: a first processor (See Fig. 8, Calculation Engine (CE) 130) that monitors a prepaid account associated with a user terminal to determine whether a balance for the prepaid account is below a predetermined threshold during a first communications session that uses the prepaid account (Col. 12, lines 64-67; Col. 13, line 1); a second processor (See Fig. 8, Calculation Engine (CE) 130) that notifies a user terminal of a status of the balance if the balance is below the predetermined threshold (Col. 13, lines 1-5); and a third processor that initiates an interactive session with the user terminal to add value to the

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balance for the prepaid account (Col. 15, lines 39-46) while communications are maintained on the first communications session (Col. 12, lines 64-67; Col. 13, line 1), where the interactive session is independent of the first communications session (Col. 15, lines 39-46).

Regarding claim 2, McConnell teaches the system of claim 1 wherein the first processor, the second processor and the third processor are a same processor (See Fig. 8, Calculation Engine (CE) 130; Col. 11, lines 64-67; Col. 12, lines 1-12).

Regarding claim 3, McConnell teaches the system of claim 1 wherein at least two of the first processor, the second processor and the third processor are a same processor (See Fig. 8, Calculation Engine (CE) 130; Col. 11, lines 64-67; Col. 12, lines 1-12).

Regarding claims 4 and 9, McConnell teaches the system of claim 1 wherein the second processor notifies the user terminal by causing display of at least one of a visual and audible indication on the user terminal (Col. 5, lines 5-8).

Regarding claims 5 and 10, McConnell teaches the system of claim 1 wherein the interactive session includes a user providing a credit card payment (Col. 15, lines 39-46).

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Regarding claims 6 and 11, McConnell teaches the system of claim 1 wherein the interactive session includes at least one of a text response, a two-way voice communication and a connection to a data network (Col. 5, lines 5-8).

Regarding claims 7 and 12, McConnell teaches the system of claim 1 wherein the interactive session includes a user authorizing use of an account previously associated with the prepaid account (Col. 15, lines 46-49 (Airlines Miles Accounts)).

Regarding claim 8, the claim has the same limitations as that of claim 1 therefore is interpreted and rejected for the same reason set forth in the rejection of claim 1.

### ***Response to Arguments***

2. Applicant's arguments filed on 02/26/04 have been fully considered but they are not persuasive.

Regarding claims 1 and 8, the Applicant argues that reference McConnell fails to disclose an independent interactive session for replenishment of a prepaid account, while communications are maintained for a first communications using the prepaid account. However, the Examiner disagrees. (see Col. 15, lines 26-46 of reference McConnell). The interactive session of the replenishment network 138 with the whole network of figure 4 through Calculation Engine130, regarding tracking the balance of the

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subscriber during a call involving verifying the credit card, is clearly independent of the communications between the mobile stations and the communication network.

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH D DAO whose telephone number is 703-305-5589. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN C CHIN can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Minh Dao  
Examiner  
Art Unit 2682  
May 14, 2004 *map*

  
VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

5/17/04